

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
FREDERICK J. KEITEL, III et al.,

Plaintiffs,

-v-

THOMAS B. D'AGOSTINO, SR. et al.,

Defendants.
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21-CV-8537 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On March 27 and 28, 2024, Plaintiff Frederick J. Keitel, III responded — by emails to the Court and through a filing on ECF — to the Court's December 20, 2023 Order to Show Cause. *See* ECF Nos. 172-73; *see also* ECF No. 162. Defendants' deadline to file any reply to Keitel's response was April 4, 2024. *See* ECF Nos. 168, 172. No reply was filed. In light of Keitel's representations, and the lack of any response from Defendants, the Court exercises its discretion not to hold Keitel in contempt — despite his repeated failures to comply with the Court's Orders in a timely manner. In the Court's view, that matter is now put to rest.


Indeed, there is nothing further to do in this case unless and until the Court of Appeals resolves Keitel's appeals. Per the Court's August 28, 2023 Order, the order requiring Keitel to pay a \$1,000 fine to the Clerk of Court is, as a courtesy, stayed pending Keitel's appeal from the order. *See* ECF No. 147. In the event that the Second Circuit does not disturb the \$1,000 fine, then Keitel must pay it no later than the date the mandate issues. *See id.* If he fails to do so, then the fine will increase by \$100 per day of non-compliance. *See id.*

Defendants are ORDERED to serve a copy of this Order on Keitel through certified mail and e-mail and to file proof of such service by **November 6, 2024**. Out of an abundance of caution,

the Clerk of Court is also directed to mail a copy of this Order to Frederick J. Keitel, III, P.O. Box 3243, Palm Beach, FL 33480. The Clerk of Court is also directed to terminate ECF No. 167 as it was previously resolved. *See* ECF No. 138.

SO ORDERED.

Dated: November 1, 2024
New York, New York



JESSE M. FURMAN
United States District Judge